

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KONATA MATTHEWS,)	
)	Civil Action No. 11 – 221J
Plaintiff,)	
)	Chief Magistrate Judge Lisa Pupo Lenihan
v.)	
)	
JEFFREY BEARD, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

AND NOW, this 31st day of January, 2013, the Court finding that:

Plaintiff in the above-captioned case has submitted for filing a Civil Rights complaint in the United States Court for the Western District of Pennsylvania and has moved to proceed *in forma pauperis*. By order dated September 30, 2011, this Court granted Plaintiff's Motion (ECF No. 2). In accordance with 28 U.S.C. § 1915, a prisoner bringing a civil action must pay the full amount of the \$350 filing fee. On October 12, 2011, Plaintiff returned the signed authorization thus notifying the Court that he wishes to continue this civil action (ECF No. 6) (copy enclosed).

AS OF THIS DATE, NO MONIES HAVE BEEN PAID.

IT IS THEREFORE ORDERED that:

1. Plaintiff shall pay the filing fee of \$350.00.
2. Pursuant to the Prison Litigation Reform Act, the Superintendent/Warden of the institution where this inmate is incarcerated is directed to remit from the prisoner's account, in monthly installments, the full \$350.00 fee. Enclosed is a copy of the Plaintiff's signed Authorization. Specifically, **IT IS HEREBY ORDERED** that as soon as funds are available in

the inmate's prison account, the Superintendent/Warden shall submit an initial partial payment of 20 percent of the greater of:

- (a) the average monthly balance in the inmate's prison account for the past six months, or
- (b) the average deposits into the inmate's prison account for the past six months.

The remittance must be accompanied by a statement of the calculations used to arrive at the amount, a copy of which you shall furnish to the inmate. After the initial payment, if there remains any unpaid fee due and owing the Court, the Superintendent/Warden in any institution where the inmate is incarcerated is required by law to set aside and remit on a monthly basis 20 percent of the preceding month's deposits credited to the prisoner's account until the \$350.00 filing fee has been paid in full. Each time a deposit is made to the inmate's account, the Superintendent/Warden shall set aside the deposit immediately before any disbursement is made by the inmate, until an amount equal to 20 percent of the previous month's deposits is obtained. When the 20 percent amount is obtained, and the amount in the account exceeds ten dollars, it shall be transmitted in one monthly payment to the Clerk of Court. Each payment shall be clearly identified by the name and number of the prisoner and the number assigned to this action. Payments must be made payable to "Clerk, U.S. District Court of the Western District of Pennsylvania" and transmitted to:

Clerk's Office
United States District Court
Western District of Pennsylvania
700 Grant Street, Rm. 3110
Pittsburgh, PA 15219

In the event the Plaintiff is transferred to a different correctional facility before the full filing fee is paid, you must forward this Order to the Superintendent/Warden of the

receiving institution. This Order will be binding on the Superintendent/Warden of any correctional facility where the prisoner is incarcerated until the filing fee is paid in full in accordance with provisions of 28 U.S.C. § 1915(b)(1).

3. The Clerk of Court is directed to forward a copy of this Order to the Superintendent of SCI-Houtzdale.

/s/ Lisa Pupo Lenihan
Lisa Pupo Lenihan
Chief United States Magistrate Judge

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